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Oceans and the law of the sea

Draft terms of reference for UN-Oceans

Note by the Secretary-General

In paragraph 239 of resolution 66/231, the General Assembly requested UN-Oceans, an inter-agency coordination mechanism on ocean and coastal issues within the United Nations system, to submit draft terms of reference for its work, to be considered by the Assembly at its sixty-seventh session, with a view to reviewing the mandate of UN-Oceans and enhancing the transparency and reporting of its activities to Member States.

Pursuant to this request, the Secretary-General has the honour to transmit to the General Assembly the draft terms of reference which have been prepared by UN-Oceans.

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Draft terms of reference of UN-Oceans

I. Context

1. Oceans, seas, islands and coastal areas form an integrated and essential component of the Earth's ecosystem and are critical for global food security and for sustaining economic prosperity.

2. The oceans cover 70 per cent of the Earth's surface and represent 98 per cent or more of its living space. Harbouring many millions of species, from the smallest marine virus to the blue whale, the oceans are a global centre of biodiversity. They provide numerous market services, including fisheries, shipping, tourism and marine mining, worth several trillion dollars and are estimated to provide two thirds of all non-market ecosystem services on Earth, including moderating climate, primary production, nutrient cycling and carbon sink. The oceans face a variety of existing and emerging threats from human activities, including overfishing, pollution, invasive species, habitat loss and ocean acidification. Efforts are required at all levels — local, provincial, national, regional and global — including through the United Nations system, to ensure that oceans are managed sustainably and preserved for future generations.

3. A number of United Nations agencies have mandates and programmes related to oceans, islands and coastal areas, underscoring the need to ensure and enhance inter-agency coordination, cooperation and coherence on ocean-related matters for maximum synergy and impact.

4. The United Nations Convention on the Law of the Sea recognizes that ocean issues are interrelated and should be considered as a whole. At the seventh session of the Commission on Sustainable Development, held in 1999, it was emphasized that, building on existing arrangements, a more integrated approach was required to all legal, economic, social and environmental aspects of the oceans and seas at both intergovernmental and inter-agency levels (E/CN.17/1999/20, decision 7/1). In 2002, at the World Summit on Sustainable Development, a number of concrete goals were adopted with regard to an ecosystem approach, fish stocks, biodiversity, protection of the marine environment, particularly from land-based activities, maritime safety and improving the scientific understanding and assessment of marine and coastal ecosystems.

5. In 2003, following a request in the Plan of Implementation of the World Summit on Sustainable Development (Johannesburg Plan of Implementation),[1] subsequently endorsed by the General Assembly in its resolution 57/141, the United Nations System Chief Executives Board for Coordination (CEB) endorsed the creation of an Oceans and Coastal Areas Network (subsequently renamed UN-Oceans) to establish an effective, transparent and regular inter-agency coordination mechanism on ocean and coastal issues within the United Nations system (CEB/2003/7, annex V). UN-Oceans convened its first meeting in January 2005 and has met annually since then; all UN-Oceans meeting reports are posted on its web site at www.unoceans.org.

[1] *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

6. In December 2011, the General Assembly in its annual resolution on oceans and the law of the sea called for UN-Oceans to prepare new draft terms of reference for consideration by the Assembly at its sixty-seventh session (resolution 66/231, para. 239). The present document, prepared in July and August 2012, represents efforts by UN-Oceans to prepare its new draft terms of reference.

7. In resolution 66/231, the Assembly also called for the Joint Inspection Unit to review UN-Oceans and to submit a report thereon to the General Assembly for its consideration. That report was completed in August 2012 (see JIU/REP/2012/3) and several key recommendations of the evaluation by the Joint Inspection Unit are addressed and incorporated in the draft terms of reference for UN-Oceans, including the recommendations that:

(a) The Secretary-General, as chair of CEB, should request UN-Oceans to revise its terms of reference, paying particular attention to avoiding overlaps with existing mechanisms and taking into consideration the relevant outcomes from the United Nations Conference on Sustainable Development;

(b) The legislative and governing bodies of the United Nations organizations that are members of UN-Oceans should direct their executive heads, through CEB, to mobilize resources to establish a small dedicated secretariat to work on UN-Oceans, taking into consideration the experience of other United Nations mechanisms;

(c) The Secretary-General, as chair of CEB, should direct the CEB High-level Committee on Programmes to develop operational guidelines (internal working procedures) for decision-making, membership, meetings and task force arrangements for UN-Oceans and clarify reporting and other governance issues;

(d) The General Assembly should request the Secretary-General, as chair of CEB, to ensure that the three mechanisms under the High-level Committee on Programmes (UN-Water, UN-Oceans and UN-Energy) institutionalize their coordination efforts.

II. UN-Oceans terms of reference

Scope and objectives

8. UN-Oceans is an inter-agency mechanism that seeks to enhance the coordination, coherence and effectiveness of the competent organizations in the United Nations system, including the secretariats of relevant United Nations treaties relating to the oceans, taking into account the respective mandates of each of its members and the priorities identified by their governing bodies, as well as existing international legal and policy frameworks relating to the oceans, including the United Nations Convention on the Law of the Sea.

Mandate

9. UN-Oceans will:

(a) Strengthen and promote coordination and coherence of United Nations system activities related to oceans and coastal areas;

(b) Regularly share ongoing and planned member activities within the framework of relevant United Nations and other mandates with a view to identifying possible areas for collaboration and synergy;

(c) Support United Nations processes relating to the oceans, including those established by the General Assembly, such as the Open-ended Informal Consultative Process on Oceans and the Law of the Sea and other United Nations-wide ocean initiatives that build on relevant existing and new mandates;

(d) Contribute to the harmonization and synergy, as appropriate, of the relevant programmes and activities of the United Nations system, as part of its contribution to the implementation of the United Nations Convention on the Law of the Sea and the Programme of Action for Sustainable Development (Agenda 21)[2] in particular, as well as the relevant Millennium Development Goals and the outcomes of sustainable development conferences, such as the Johannesburg Plan of Implementation, the outcome document of the United Nations Conference on Sustainable Development entitled "The Future We Want" (General Assembly resolution 66/288, annex) and, as necessary, to the development and implementation of relevant sustainable development goals;

(e) Identify key issues deriving from relevant mandates (General Assembly resolutions, international conventions and governing bodies) and, as appropriate, define joint actions and/or establish specific, time-bound task forces to support and facilitate coordinated and focused action by the United Nations system on these issues;

(f) Promote, at the international level and through its programmes, the application of an ecosystem approach to achieve the integrated, sustainable management of oceans and coasts;

(g) Facilitate, as appropriate, inputs to the annual reports of the Secretary-General on oceans and the law of the sea and on sustainable fisheries;

(h) Facilitate inter-agency information exchange, including sharing of experiences, best practices, tools and methodologies and lessons learned in matters related to the oceans;

(i) Increase societal awareness of ocean issues and challenges through outreach, advocacy and dissemination of relevant UN-Oceans knowledge and awareness products (print and virtual) for decision makers, managers and the general public and organization of thematic meetings, seminars and side events at appropriate venues.

III. Modalities of work

Composition and participation

10. In order to fulfil its mandate on ensuring United Nations system coherence on issues related to ocean affairs and the law of the sea, membership of UN-Oceans is

[2] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992*, vol. I, *Resolutions Adopted by the Conference* (United Nations publication, Sales No. E.93.I.8 and corrigendum), resolution 1, annex II.

open to United Nations system entities with ocean and coastal area mandates and programmes, including:

(a) Relevant departments in the Secretariat, such as the Department of Economic and Social Affairs and the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs;

(b) Relevant United Nations specialized agencies and organizations, such as the Food and Agriculture Organization of the United Nations, the International Atomic Energy Agency, the International Maritime Organization, the International Labour Organization, the United Nations Industrial Development Organization, the United Nations Educational, Scientific and Cultural Organization (UNESCO), the UNESCO Intergovernmental Oceanographic Commission, the World Meteorological Organization, the World Intellectual Property Organization, the International Monetary Fund, the World Bank Group, the World Tourism Organization and the World Trade Organization;

(c) Relevant United Nations programmes and funds, such as the United Nations Development Programme, the United Nations Environment Programme, the United Nations Human Settlements Programme, the Office of the United Nations High Commissioner for Refugees and the United Nations Office on Drugs and Crime;

(d) Secretariats of relevant United Nations conventions, such as the United Nations Convention on the Law of the Sea, the Convention on Biological Diversity, the United Nations Framework Convention on Climate Change and the Convention on the Conservation of Migratory Species of Wild Animals;

(e) Relevant United Nations research and training institutes, such as the United Nations Institute for Training and Research and the United Nations University;

(f) The International Seabed Authority.

11. The entities listed above may become members of UN-Oceans through a simple expression of will delivered in writing to the standing Chair of UN-Oceans.

12. Reflecting the close linkages across a number of water, energy and ocean issues, to enhance cross-thematic and cross-sectoral coherence, coordination and cooperation, UN-Water and UN-Energy may participate in UN-Oceans meetings as invited observers, as appropriate and necessary.

Officers

13. Management of UN-Oceans shall be undertaken by a Chair supported by a dedicated secretariat. The Chair will be elected from among the member agencies on a rotational basis and normally serve for two years. The Chair shall be assisted by a Vice-Chair, elected from a member agency different from that of the Chair.

14. In order to ensure continuity and institutional memory, the Chair and Vice-Chair shall not be elected in the same year.

15. More detailed modalities for election of officers will be established by a task force and agreed upon by the participating members of UN-Oceans.

Secretariat

16. UN-Oceans shall be provided with a dedicated secretariat to ensure its smooth and effective functioning. Further details regarding staffing (professional and administrative), location and financing of the secretariat will be agreed upon by the participating members.

Secretariat functions

17. The secretariat will, in consultation with the Chair and Vice-Chair, assist UN-Oceans in the following activities:

(a) Organize UN-Oceans meetings, both face-to-face (annual) and virtual (as required);

(b) Manage and coordinate the implementation of the UN-Oceans work programme;

(c) Coordinate the preparation and dissemination of the minutes, reports and background documents of UN-Oceans meetings;

(d) Provide assistance to the Chair and Vice-Chair in compiling, maintaining and updating information about existing and emerging member programmes and activities and make this information available to the members and relevant bodies (e.g. the General Assembly, CEB, High-level Committee on Programmes);

(e) Maintain the UN-Oceans website and ensure regular communication with members;

(f) Assist the Chair and Vice-Chair in developing and disseminating UN-Oceans thematic knowledge and awareness-raising products and organize relevant UN-Oceans thematic meetings, seminars and side events.

Meetings

18. UN-Oceans will hold at least one face-to-face meeting per year, supplemented as required by virtual (teleconference or videoconference) meetings.

19. As far as practicable, UN-Oceans will hold its meetings in conjunction with other relevant intergovernmental or international meetings, such as the annual United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea.

20. UN-Oceans will endeavour to make maximum use of electronic communication and information management and will conduct intersessional work by electronic means and tele- or videoconference.

21. The Chair of UN-Oceans, supported by the Vice-Chair and the secretariat, will, as appropriate, represent UN-Oceans at meetings of the High-level Committee on Programmes and CEB.

22. All major decisions of UN-Oceans shall be adopted by consensus.

Work programme

23. UN-Oceans shall regularly prepare, adopt and implement (subject to available funding) a results-oriented work programme allowing it, inter alia, to respond

effectively to existing and emerging mandates, commitments and initiatives, such as the sustainable development goals in the outcome document of the United Nations Conference on Sustainable Development and the Secretary-General's Oceans Compact. The UN-Oceans secretariat will coordinate implementation of the UN-Oceans work programme.

24. In preparing its work programme UN-Oceans will take into account: (a) decisions and recommendations adopted by the General Assembly and the governing bodies of each of its members; (b) the recommendations of existing inter-agency coordinating mechanisms; and (c) the programmatic framework of recommendations from the Johannesburg Plan of Implementation, the Millennium Development Goals, the outcome document of the United Nations Conference on Sustainable Development and the General Assembly, taking into account new and emerging mandates.

Task forces

25. In support of its mandate and work, UN-Oceans will undertake time-bound initiatives with well-defined terms of reference, through ad hoc task forces open to the participation of all members of UN-Oceans.

26. Those task forces shall be coordinated by a lead member organization(s) of UN-Oceans. The lead organization(s) responsible for such task forces will also coordinate delivery of the reports of their work to UN-Oceans.

Reporting

27. To ensure transparency, visibility and inclusiveness of relevant stakeholders:

(a) The Chair of UN-Oceans (or whoever he or she designates) shall report annually on the activities and work programme of UN-Oceans to Member States through the annual United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea;

(b) In addition, as necessary, UN-Oceans will convene an informal feedback and consultation session open to all Member States during the period of the annual Informal Consultative Process;

(c) The Chair of UN-Oceans, assisted by the Vice-Chair and the secretariat, will also report annually to the High-level Committee on Programmes and as appropriate to CEB;

(d) UN-Oceans will systematically post all of its meeting reports, task force reports, annual reports to the Informal Consultative Process and other relevant documents on the UN-Oceans web site, www.unoceans.org.